



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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ELIAS BALDACCI

GOVERNOR

DAVID A

COMMISSIONER

To: Matt Scott, Chair
Board of Environmental Protection

Mike Mullen, Enforcement & Field Services Coordinator
Division of Land Resource Regulation
Maine Department of Environmental Protection

From: Judy Gates, Assistant Director
Environmental Office
Maine Department of Transportation

Date: October 5, 2006

Re: Proposed Changes to Chapter 305

The Maine Department of Transportation (MaineDOT) supports proposed changes to Chapter 305, Permit by Rule. We concur with the Department of Environmental Protection (DEP) that the changes primarily reflect an increased reliance on MaineDOT's exemplary best management practices (BMPs) and modify obsolete or duplicative language. MaineDOT appreciates the opportunity to cooperate with DEP on proposed modifications to the rule, and its acknowledgement of groundbreaking procedural documents, such as our Fish Passage Policy and Design Guide (2004).

In addition to the proposed changes, MaineDOT respectfully requests that DEP and the Board of Environmental Protection amend Section 1(C) (1) (b) as follows.

- (b) Activities listed in Section 10 (Stream crossings) or Section 11 (State transportation facilities) performed or supervised by individuals currently certified in erosion control practices by the DEP are exempt from the 14 day waiting period. To be certified in erosion control practices, an individual must successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Nonpoint Source Training and Resource Center.

MaineDOT prides itself on applying its BMPs for construction and erosion and sedimentation control; the effectiveness of this practice is reflected in the absence of enforcement actions over the last nine years. All personnel and contractors performing or supervising MaineDOT projects are required to successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Non-point Source Training and Resource Center. MaineDOT has regionally based staff associated with the Environmental Office to provide on-site technical assistance as part of any project, allowing us to be immediately responsive to inquiries from the public or other agencies regarding the efficacy of BMPs.



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THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

Over the last five years, MaineDOT has submitted an average of 150 Permit by Rule notifications annually to DEP. Of these notifications, between zero and one per year are returned to us as deficient. This track record demonstrates that MaineDOT appropriately applies the standards of Section 11 and implements projects according.

An exemption from the 14-day waiting period would result in increased responsiveness to the need for improvements and repairs to state transportation systems, making most efficient use of tax dollars, resources and personnel in an environmentally responsible manner. We thank you for your consideration.

Cc: Theresa Savoy, State Legislative Liaison, MaineDOT
Kathy Fuller, Director, Environmental Office, MaineDOT
Matt Steele, Coordination & Permits Program Manager, MaineDOT
Sharon Newman, Esq., PretiFlaherty, MTA council